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International Convention on the Elimination of all Forms of Racial Discrimination

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COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION
Fiftieth session

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION

Concluding observations of the Committee on the Elimination of Racial Discrimination

Belarus

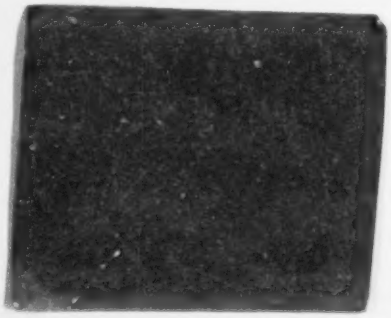
1. The Committee considered the fourteenth periodic report of Belarus (CERD/C/299/Add.8), at its 1192nd and 1193rd meetings (CERD/C/SR.1192 and 1993), held on 6 and 7 March 1997. At its 1210th meeting, held on 19 March 1997, it adopted the following concluding observations.

A. Introduction

2. The Committee welcomes the timely submission of the State party's fourteenth periodic report, and expresses its satisfaction to the high-level delegation for the additional information provided in answer to the questions raised by members of the Committee during the discussion. The Committee notes with appreciation that the report follows the recommendations contained in its previous concluding observations (A/50/18, paras. 339-352), although it regrets that the report fails to provide information on the implementation of the provisions of the Convention in practice, including judicial practice.

B. Factors and difficulties impeding the implementation of the Convention

3. The present situation in the country, with the profound economic and social changes induced by the dissolution of the former Soviet Union and the massive inflow of immigrants and asylum-seekers, are not conducive to the full implementation of the Convention.



C. Positive aspects

4. The withdrawal by the State party of its reservation to article 22 of the Convention is welcomed. The notification that the Government is considering making the declaration under article 14 and ratifying the amendments to article 8, paragraph 6, of the Convention is noted with appreciation by the Committee.

5. The establishment of a Coordinating Council for National Minorities within the Council of Ministers, the setting up of a State committee on religious and national questions and the forthcoming establishment of an Ombudsman's Office are welcomed by the Committee.

6. The signature by the State party of the Commonwealth of Independent States (CIS) Convention concerning the Rights of Persons Belonging to National Minorities in 1994 and of the CIS Convention on Human Rights and Fundamental Freedoms in 1995 is noted with interest. The fact that the latter contains provisions prohibiting racial discrimination and incorporates a monitoring procedure which will be competent to receive complaints from individuals is viewed by the Committee as a positive measure, although further examination may be needed as to the relationship of these conventions to the International Convention on the Elimination of All Forms of Racial Discrimination.

7. The detailed information provided in the report on the ethnic composition of the population involving national, ethnic, cultural, linguistic and religious minorities in Belarus is welcomed.

8. The adoption of an Act on Refugees in 1995, which takes into account the provisions of the 1951 Convention relating to the Status of Refugees, is welcomed. In this regard, it is noted that bilateral agreements have been concluded between Belarus and neighbouring countries to regulate migratory movements, and that agreements have also been concluded with the CIS in the framework of assistance to refugees and displaced persons.

9. It is noted with appreciation that various legislative acts have been adopted to comply with the provisions of article 4 of the Convention, such as the Act on the Press and Other Mass Media, which prohibits the use of mass media to incite national, social, racial or religious intolerance or discord; the Act on Political Parties, which prohibits the establishment and activities of parties whose aim is to carry out propaganda for national, religious or racial enmity; and the Act on Public Associations, which prohibits the establishment of public associations which incite national, religious or racial enmity.

10. With respect to article 7 of the Convention, it is noted with satisfaction that the teaching of the purposes and principles of the Charter of the United Nations, of the Universal Declaration of Human Rights and of the principal international human rights instruments, including the International Convention on the Elimination of All Forms of Racial Discrimination, is part of school curricula in Belarus. Moreover, the development, in cooperation with the United Nations Development Programme, of the "democracy, public

administration and participation" project, in the framework of which training in the field of human rights of jurists, law enforcement officials, teachers and educators is envisaged, is welcomed by the Committee.

D. Principal subjects of concern

11. The lack of concrete information concerning the implementation of various laws relating to protection against racial discrimination, in particular the Act on Refugees, the Act on National Minorities, the Act on Public Association, or the Act on the Press and Other Mass Media, is noted with regret, given that it hampers the effective assessment of the implementation of the provisions of the Convention.

12. Concern is expressed at the lack of specific legislative provisions prohibiting racial discrimination by private groups or associations. In this regard, it is stressed that article 2, paragraph 1 (d), of the Convention makes it an obligation for States parties to prohibit, including by the adoption of legislation, racial discrimination "by any persons, groups or organizations".

13. With respect to article 5 of the Convention, the lack of information on the participation in public life of ethnic minorities and on their economic and social situation (especially with regard to access to employment, health, education and housing) is regretted, especially since this makes it difficult to evaluate the effective enjoyment by all such groups of the rights mentioned in article 5 of the Convention.

14. It is regretted that it has not been made clear whether the Act on the Judicial System and the Status of Judges in the Republic of Belarus (1995), under which the courts are required to protect social, economic and political rights and freedoms of individuals - regardless of their origin, race, nationality or language - provides for the right to seek just and adequate reparation or satisfaction for any damage suffered as a result of racial discrimination, as provided for by article 6 of the Convention.

15. In connection with article 6 of the Convention, it is noted that no cases of criminal proceedings for racial discrimination in general, and for offences under article 71 of the Criminal Code in particular, have been recorded so far.

16. With respect to article 7 of the Convention, the lack of information on programmes for the training of magistrates, law enforcement officials, teachers and social workers, aimed at raising their awareness of problems related to racial discrimination, is regretted.

E. Suggestions and recommendations

17. The Committee recommends that information on the implementation in practice of the laws relating to the prevention and elimination of racial discrimination be included in the next periodic report. In particular, the mention of any relevant court cases will be appreciated.

18. In connection with the activities of the recently established State Committee on Religious and National Questions, the Committee draws the attention of the State party to its General Recommendation XVII (42) on the establishment of national institutions to facilitate the implementation of the Convention.

19. The Committee recommends that specific legislation be adopted to prohibit racial discrimination by private groups or organizations, in accordance with article 2, paragraph 1 (d), of the Convention.

20. The Committee recommends that comprehensive information be provided by the State party in its next periodic report on the effective enjoyment by all groups of the rights under article 5 of the Convention, in particular concerning participation in public life under article 5 (c) and enjoyment of the economic, social and cultural rights under article 5 (e). For this purpose the Committee recommends that national or ethnic minority associations in the State party be consulted on their experiences regarding these matters.

21. In connection with article 6 of the Convention, the Committee requests that information be provided on the availability of the right to seek from the courts just and adequate reparation or satisfaction for any damage suffered as a result of racial discrimination. The Committee recommends that instances of cases where reparation was sought from the courts, together with the courts' decisions thereon, be provided in the next report.

22. The Committee further recommends that the State party furnish a reply to the question about the reason for the absence of prosecutions relating to racial discrimination offences, so as to assess whether this is due to the actual non-existence of such offences, or to a lack of awareness of the population of their rights, or to a lack of effective enforcement of the relevant laws by the competent authorities.

23. The Committee also recommends that due attention be paid to the availability of education in the Belarusian language for all students who desire to study in this language.

24. In the framework of article 7 of the Convention, the Committee recommends that training concerning the principles and rights enshrined in the Convention be provided to law enforcement officials, judicial personnel, teachers and social workers. Similarly, the Committee recommends that the State party continue its efforts to incorporate the principles of the Convention in school curricula at all levels.

25. While it welcomes the publication of the report, the Committee recommends that the fourteenth periodic report of the State party, as well as the present concluding observations, be widely disseminated among the public at large.

26. The Committee recommends that the State party ratify the amendments to article 8, paragraph 6, of the Convention adopted at the fourteenth meeting of States parties.